

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SPARTAN MEDICAL PRODUCTS LLC,

07-Civ-10515 (KMK) (LMS)

Plaintiff,

**STIPULATION OF
DISMISSAL**

-against-

MAX AZEVEDO,

Defendant.
-----X

WHEREAS, plaintiff Spartan Medical Products LLC filed a complaint in the Supreme Court of the State of New York, Westchester County on October 19, 2007, alleging breach of contract and breach of fiduciary duty; and

WHEREAS, defendant removed this case to this Court by filing a Notice of Removal on November 20, 2007, and filing an answer with counterclaims on November 27, 2007, alleging breach of contract and violations of New York Labor Law; and

WHEREAS, the parties have negotiated in good faith and have signed a settlement agreement and releases; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

IT IS HEREBY STIPULATED by and between the parties, through their respective counsel as follows:

1. The parties hereby agree that the above-captioned action is dismissed and discontinued with prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.
2. Any and all of the claims and counterclaims by the parties which are the subject of this action or otherwise arise out of any of the incidents alleged in the complaint or counterclaims have been settled pursuant to the separate settlement agreement and releases signed by the parties.
3. Nothing in this stipulation of settlement shall be construed as an admission or concession of liability whatsoever by any of the parties regarding any of the allegations made.

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By: 

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Date: January 15, 2008

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